

TRIPURA GAZETTE

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PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA FOREST DEPARTMENT

No. F.7(140)/For/FP-2021-22/8487-8548

Dated : 13/06/2022

NOTIFICATION

The Governor of Tripura is hereby pleased to notify the guidelines for issuing Legal Procurement Certificate (Certificate of Origin) to export Agar Wood Products as per this Notification.

This is in pursuance of the provisions of Tripura Agarwood Policy 2021 and Export Policy, 2018 related to Agarwood (read with amendment) of Ministry of Commerce & Industry, Department of Commerce.

Enclo: Guidelines

By order of the Governor


(Shakti Kant Singh, IFS)
Additional Secretary to the
Government of Tripura.

**GUIDELINES FOR ISSUING LEGAL PROCUREMENT CERTIFICATE
(CERTIFICATE OF ORIGIN) TO EXPORT AGAR WOOD PRODUCTS**

1.0 Background:

Agarwood (*Aquilaria malaccenses*) is included in Appendix II of CITES. The inclusion has been done to ensure that the legal trade does not become a direct cause of the extinction of the species.

As Agarwood is listed in Appendix II of CITES, a CITES Export permit issued from CITES authority is mandatory to allow the export of products made out of Agarwood. A CITES export permit or documents certifying the export of such materials can be issued only on the basis of Legal Procurement Certificate (LPC) issued by the officers not below the rank of Assistant Conservator of Forests.

Thus, the said LPC is a mandatory and important document for obtaining the CITES Export permit. As such, the officer issuing LPC has to examine the chain of custody of the material right from the source of extraction to the final product and shall ensure that the product is produced/obtained/ manufactured /procured through legal means.

2.0 General Guidelines:

The following guidelines are issued regarding the regulations for issuing LPC:

1. LPCs will be issued by the District Forest Officer (DFO) having territorial jurisdictional area.
2. Since the LPC is a significant document involved in procuring the export permit, it is advised that the officers should exercise caution in issuing LPCs.
3. Name, Address, specimen signature and stamp mark of each DFO (please see serial 1 above) should be sent to the Regional Deputy Director, WCCB, Eastern Region, Kolkata. This is required as Regional Dy Director is working as Assistant Management Authority, CITES. This should be done

immediately after notification of this guidelines and then ideally as soon as officer take the charge of new Subdivision/Sanctuary.

4. Application for LPC in prescribed format (Form I) is to be submitted to the DFO territorial having jurisdiction where product is stocked or where the Agarwood product is manufactured so that the source of procurement could be verified.
5. The applicant should mention the details of chain of custody, including the source of procurement, and have to attach the relevant copies of the documents.
6. The Applicants have to render all assistance to the forest officer concerned for stock verification and inspection.
7. The officer issuing Legal Procurement Certificate has to verify the chain of custody and should ensure that the articles are derived from legally procured Agarwood.
8. The applicant have to keep a separate stock register having the details of Agarwood procured, source of procurement quantity procured, quantity converted, items made out of Agarwood and balance stock in the suitable format as advised in **Annexure 1**.
9. LPC must invariably be prepared only in the prescribed Proforma (**Form II**) on receipt of specific application from the exporter in **Form I**, in which, apart from other details, the source of procurement of the material must be indicated clearly.
10. LPC is to be prepared in quadruplicate filling in all columns and should be duly signed by the authorized Officer. Copies should be marked to the following:
 - Original to the applicant / exporter.
 - First copy to be sent in sealed cover to the Regional Deputy Director, Wildlife Crime Control Bureau, Eastern Region, Kolkata.
 - Second copy to be retained by the issuing officer for future reference.

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- Third copy to the office of the Principal Chief Conservator of forests.
11. It is the duty of the LPC issuing Officer to provide enough basis to enable the Regional Deputy Director (or his / her representative) for correlating the LPC with the export consignment for which it is issued.
 12. One method of doing this is to seal the consignment with wax seal of LPC issuing Officer affixed on seams of the packages. This is done prior to issuing the LPC and immediately after the material is weighed and counted to determine the net weight and numbers.
 13. If the export consignment consists of more than one package (say 10 packages), each package may be serially numbered as 1/ (10), 2/ (10) etc.

3.0 Steps for issuing legal procurement certificate: -

1. Once the Agarwood product is ready for export then the exporter has to submit an application in the prescribed format (Form I) to the DFO of the area where the stock is.
2. The source of collection of Agarwood should be specifically mentioned and self-attested documents (transit passes, purchase bills, Tree registration details, unit licenses etc.) have to be attached along with the application.
*It is pertinent to mention here that although as per existing rules, transport of Agar wood and its products do not require Transit Pass, However, traders, who want to export these products, for which they require Legal Procurement Certificate, it is advisable to applicant to seek **No objection Certificate** from local Beat Forest Officer after producing necessary documents. This NOC will have details of intimation made to concerned territorial authority (DFO/SDFO/FRO) about registration of Agar trees, inoculation, felling, transport along with the vehicles number used for transporting.*
3. The DFO will, either himself/herself, or through the Verifying Officer, Range officer, verify the application with the available documents including monthly return, stock register of unit from where products derived etc and

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ensure that the source of Agarwood is legal. Territorial Range Officer will act as verifying officer.

4. The verifying Officer can summon any relevant document from the applicant for proving the authenticity of the consignment applied for export.

In case, origin of product is from other district/ subdivision, verifying officer can seek additional information from concerned Range Officer directly including copy of Tree Registration Certificate/ Transit Pass, Stock register etc.

5. On being convinced of the authenticity of the Agarwood product, verifying officer will sign the certificate about stock verification and forward the application along with his report to DFO. This process of verification should be completed within fifteen (15) days.
6. DFO after receipt of report from verifying officer may consider to issue the LPC within fifteen days of the date of completion of verification.
7. In case issuing officer is unable to convince himself/herself about source of origin, he/she may call for additional clarifications/ documents to ascertain the source of origin within 5 days and the matter has to be intimated to the applicant in writing and they may be directed to submit the relevant documents within a reasonable period of time but not less than three days.
8. If the applicant fails to convince the authenticity of origin of Agarwood products to the Verifying Officer or issuing authority even after the clarification/ documents as stated above have been called for and provided, the Verifying Officer should record the reasons of why he/she is not convinced of the authenticity of the consignment, and communicate to the applicant within fifteen days of the date of completion of verification, or the last date on which clarification/ documents were due, as the case may be and reject the application.

At the same time, DFO to take control of the entire consignment and issue seizure report and applicant to be booked under relevant section of Indian Forest Act.

9. Any applicant aggrieved by an order passed in the previous paragraph can appeal to the territorial Chief Conservator of Forests, mentioning the reasons for disagreement with the order and grounds of appeal. The latter would, after hearing the applicant (personal hearing will be dispensed if the applicant has desired so in his appeal), pass a speaking order within fifteen working days of the receipt of the appeal, or the completion of the hearing, whichever is later. The order so passed is final against which no appeal lies. The date of hearing of appeal be fixed within 5 days.
10. The LPC issuing officers concerned have to submit the monthly reports of the LPC issued, to the office of Principal Chief Conservator of Forests, Tripura before the tenth day of the succeeding month in following Format. They should also keep record in proper register in office for validation in any future date if required.

Name of Applicant	Name of Product which issued for LPC	Quantity of Product which issued for LPC	Quantity of original Agarwood in kilogram from which this product is derived	Conversion Rate: Quantity of product/ Quantity of Agarwood

11. Forest authorities need to take extra care while filling the details of Agarwood Chips/ Oil or its intermediate products in respective forms. Some of the indicative nomenclature being followed in this regard and its conversion ratio are as given in **Annexure 2**.

4.0 Responsibilities of each stakeholder:

Since these guidelines are issued to obey the international commitments and to follow the international practices for export of CITES appendix II products, it is the responsibility of all stakeholders to follow the guidelines strictly and maintain all records for future inspection of CITES authority.

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Accordingly, responsibilities and records to be maintained by each stakeholder is placed below, which will be the basis of issue of LPC and Certificate of origin.

Agarwood tree Grower:

- a. Register his/her plantation with Forest Department immediately and obtain Registration number. He/She need to submit required documents, which will be verified at the time of issue of NOC/LPC/COO etc as the case may be.
- b. Informing about any type of operation being carried out on these trees including inoculation and felling and transportation to Range Forest Officer (FRO) of territorial range of the jurisdiction where plot is situated alongwith plantation registration details.
- c. After felling of trees and before transporting to processing center details of felled logs and its approximate weight to be informed to the FRO along with plantation registration details.
- d. Keeping records of all tree felled and total weight of felled logs which is carried out to processing center in suitable register as per proforma given in **Annexure 1 (A)**.
- e. Attending different government programs / survey / inventory / awareness campaign etc being carried out by government and other organization on behalf of government from time to time.
- f. In order to ensure that Agar wood products obtained from felled trees to get Legal Procurement certificate or certificate of origin, it is advised that the felled logs should only be taken to the unit which have valid registration and Forest Trading License duly obtained by concern forest authorities.

Agarwood Processing center:

- a. Each and every Agarwood processing center, which converts agarwood to agarwood products like Agarwood chips and its different forms like Bantang, chooran, bota, Agarwood oil etc need to register its unit with jurisdictional forest authorities by obtaining forest trade license.

- b. Keeping all records of quantity of input Agarwood logs/ un-processed Agarwood/ Semi-processed Agarwood etc and output of next stage of Processed/ semi-processed Agarwood chips as per proforma given in **Annexure 1 (B)**.
- c. Participating in different government programs/ survey/ awareness campaign/ inspection of records/ helping authorities to conduct enquiries etc as and when required specially as part of this guidelines to issue LPC etc.
- d. To ensure that unit will process raw agarwood received only from registered Agarwood plantation owner.

Tripura Forest Department

Application for issuing the Legal Procurement Certificate (LPC) and
Certificate of Origin for the export of Products derived from Agarwood
tree

1. Name of the application:	
2. Complete postal address of the applicant.	
3. Applicant's phone number & email id:	
4. Country of the export:	
5. Export license details if any:	
6. Export point (Give name of port from where consignment will be exported.):	
7. Nature of the applicant: Grower/ Processor/ Manufacturer/ Merchant/ exporter/ Wholesaler/ Retaileretc	
8. Name and Registration Number of Unit where product is manufactured/processed.	
9. Name of Product to be exported along with name of original species from which this product is derived. (Scientific Name)	
10. Details of the previous LPC received and status of its export. (attach copies of the immediate previous three):	

11. Details of items to be exported

Sr. No.	Particulars of items	Total numbers	Quantity (in kilograms)	Source of procurement Name of unit where product is processed.	Supporting documents for procurement	Remarks

12. Details of chain of custody starting backward from product and all its intermediate steps to original Agarwood trees.

Name of Product	From where obtained	Quantity	Obtained from	Remark and supporting Documents	Registration number
Agar Oil	Applicant	500 gm	Mr. XYZ	Procured from Mr. XYZ against valid Transit Pass	License if any as Exporter/ Trader/ GST/ PAN etc of Applicant.
	Mr. XYZ	500 gm	M/S ABC	Processed from 200 kg of Agar wood chips /dust obtained from Mr. ABC.	Registration of Unit of Mr. XYZ. Where distillation took place. Monthly statement of receipt and dispatched of Agarwood products from this unit of Mr. XYZ.
	Ms. ABC	200 Kg of Agar wood dust	Mr. MCQ	Obtained from 1000 kg logs of agarwood received from Mr MCQ.	Registration of unit of Mr. ABC, where logs are processed and converted into chips/dust. Monthly statement of receipt and dispatched of Agarwood products from this unit of Mr. ABC
	Mr. MCQ	1000 kg of agarwood logs	Self (Mr. MCQ)	10 Agarwood tree of C S plot number 15, Mouja ----, after duly informed about felling.	Tree Registration number. Transit Pass details if any or, document showing information given to forest authorities about cutting of tree and its transportation to unit Ms. ABC

*: The information filled in above table is indicative only for guidance.

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Certificate by Applicant

I solemnly affirmed that the information provided herein are true and correct to the best of my knowledge, and I am duly authorized to sign this application. It is certified that the Agarwood items mentioned above are procured legally as per the existing rules and Acts prevailing in the state.

It is also certified that Agarwood products proposed for export has been harvested from plantation following all conditions of CITES for harvesting of Agarwood.

Place:

Date:

Signature of Applicant

For Office use only

Received the application from..... On

DFO

Form II

Certificate by Verifying Officer

(As required by DGFT No Dated 25 Nov 2021)

This is to certify that I have physically checked the products of this consignment and outstanding stock remaining at the premises of applicants and details of stock position is as given below.

Name of The product	Opening Balance	Proposed under this consignment	Balance product after export of this consignment	Whether chain of custody established. Yes/No

This is also certified that Applicant has maintained all the documents and stock register as required under relevant rules of Forest Department.

Signature, Name and Designation of Verifying officer

LEGAL PROCUREMENT CERTIFICATE**

(Certificate of Origin for the Agarwood and its derivatives only)

(NOT TRANSFERABLE)

Convention on the International Trade in Endangered Species (For Agarwood (*Aquilaria malaccensis*) and its Derivatives)

CERTIFICATE NO : _____ DATED: _____

VALID UP TO: _____

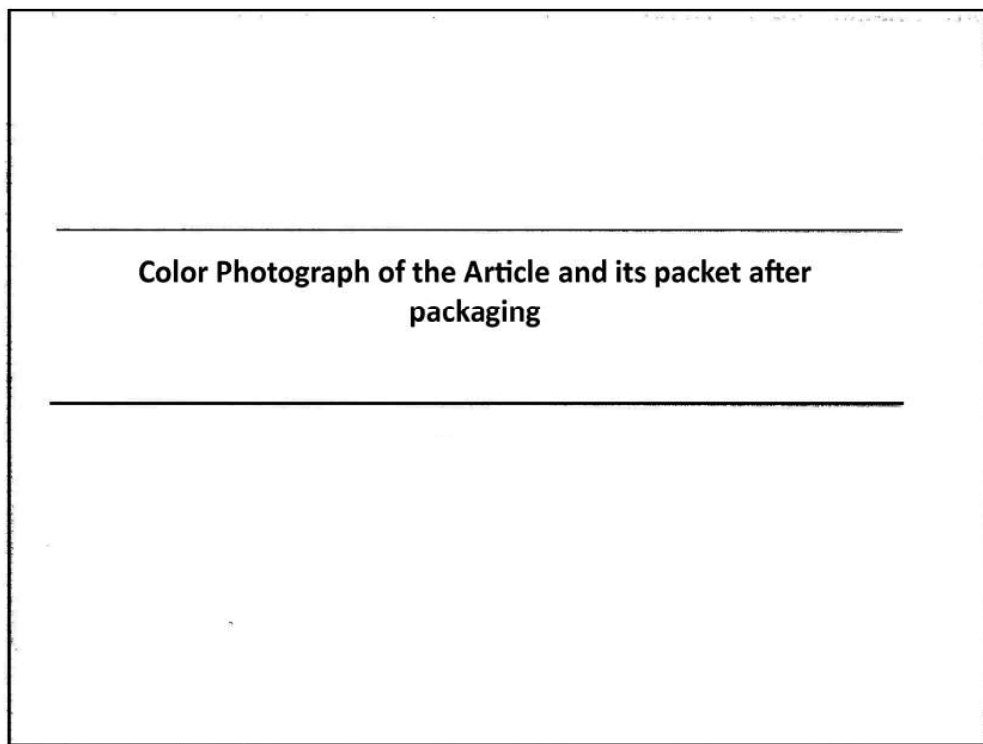
1. This certificate is hereby issued in favour of
M/s/Mr./Mrs. _____
Resident of (full postal address) _____
holder of Licence No.* _____ issued by

2. I hereby certify that the plant material described in the table below has been obtained from the plants grown in the private Agriculture Fields and registered with Forest Department as per details given below.

Tree Registration Number	Name of Plot Owner	C S Plot No	Mouja	District	State

3. Details of Agarwood Products and its derivatives: -

Description of the items (each item separately)	Botanical Name	Common/ Local Name	Quantity / No. of Packages / Crates for each item	Weight Net/ Gross (in Kg.)	Identification mark on Packages	Name of the person/firm/unit from where it is procured along with unit registration number of that unit and date of procurement.
1	2	3	4	5	6	7



4. It is certified that products shown above is legally procured product as evident from chain of custody submitted by applicants and verified from our end.

Signature & Designation of
Person Sealing the Consignment

District Forest Officer
.....District,
(Complete Postal Address & SEAL)

Note:-

- *- Any one Like Forest Trade License issued by concerned Forest authorities/ Export License issued by DGFT/ Trade License issued by Industry department etc or GST Number issued by GST authority.
- **_ This LPC is issued exclusively for getting CITES Export Permit. Please apply in prescribed form together with this LPC to CITES Management Authority.

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Copy to:

- Original to the applicant /exporter.
- First copy to be sent in sealed cover to the Regional Deputy Director, Wildlife Crime Control Bureau, Eastern Region, Kolkata. They are requested to inform the receipt of application for issue of CITES export Permit based on this LPC to the issuing DFO.
- Second copy to be retained by the issuing officer for future reference.
- Third copy to the office of the Principal Chief Conservator of Forests.

Annexure 1 (A)

Proforma for record keeping by Agarwood Growers

Plantation Registration Number	Total Registered Trees	Date	Number of trees felled	Total quantity of raw Agarwood obtained from these trees (wight in Kg)	Name and address of processing unit where transferred Or details of person to whom these logs were sold	Registration details of processing unit Or Sale deed details including amount paid and mode of payment

Annexures 1 (B)

Proforma for record keeping by Agarwood Processing center/Unit

Unit Registration Number:

Date	Opening balance of Agarwood Products of each type	Date	Agarwood products received quantity of each type	Name and registration number of Agarwood products from where unit received these products	Quantity disposed by way of sale/ conversion from one form to another etc	Finished Quantity Name of Products like	Name of Person/ Unit to whom Agarwood products disposed	Registration /FTL details of person to whom products sold	Total Outstanding quantity Closing Balance
	Raw Agarwood					Bantang			
	Bantang					Agarwood Chips			
	Agarwood chips					Agarwood oil etc			
	Agarwood oil etc								
1	2	3	4	5	6	7	8	9	10

Note:

- One row to be used for one operation only.
- Operation means either receipt of material or Conversion or Selling of material
Example: If unit get 100 kg of raw agarwood and then he process it to make 20 kg of Bantang and 50 kg of white Agarwood and then sold these Bantang to some other person and convert white agarwood to Boya oil then he will use 4 rows.
 - One for incoming raw agarwood, where he will mention quantity received in column 4
 - One for conversion, when he will convert raw agar wood to Bantang and White agarwood and mention converted quantity in column 6 and finished quantity in column 7
 - One for selling Bantang to other person and mention this in column 6 and details of person to whom sold in column 8 and 9
 - One for again converting white agarwood to Boya oil by entering data in column 6 and 7
 - In every row, he/she need to enter opening balance in Column 2 and closing balance in Column 10.

Concluded